

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KEVIN MARTIN,

Plaintiff,

19 **CIVIL** 5430 (GBD)(OTW)

-against-

JUDGMENT

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Decision and Order dated September 29, 2022, the Court adopts the Report & Recommendation to the extent it dismisses the Complaint. The Commissioner's motion to dismiss is GRANTED. The Complaint, however, is dismissed pursuant to Rule 12(b)(6) and not Rule 12(b)(1); accordingly, the case is closed.

Dated: New York, New York
September 30, 2022

RUBY J. KRAJICK

BY:

Clerk of Court



Deputy Clerk